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North Korean Refugees Along the Route to Freedom: Challenges of Geopolitics

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SIT Study Abroad

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Abstract

This Independent Study Project conducts an analysis of the North Korean Refugee Crisis by following the refugees along their escape route from the North Korean regime. By following a common escape route that includes China, Laos, Thailand, and finally, South Korea, this study unpacks the geopolitical factors and diplomatic relations that hinder and improve the progress of these refugees. Afterward, this study analyzes the resettlement process that North Korean refugees undergo in South Korea and the challenges that remain even after gaining South Korean citizenship. Finally, this project concludes by suggesting that the international community actively endeavor to establish a regional framework to address the North Korean refugee crisis, under the leadership of South Korea.

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List of Abbreviations

ASEAN – Association of Southeast Asian Nations

DPRK – the Democratic People's Republic of Korea, or North Korea

***This study will refer to the DPRK as North Korea to avoid confusion**

NGO – Non-governmental Organization

OHCHR – Office of the High Commissioner for Refugees

ROK – the Republic of Korea, or South Korea

***This study will refer to the ROK as South Korea to avoid confusion**

UN – United Nations

UNHCR – United Nations High Commissioner for Refugees

Bangkok – Capital of Thailand

Beijing – Capital of China

Pyongyang – Capital of North Korea

Seoul – Capital of South Korea

Vientiane – Capital of Laos

Introduction

Research Question and Framework

On June 25, 1950, North Korean troops invaded South Korea, marking the beginning of a bloody civil war that has yet to be formally concluded. This tragic conflict came only five years after the Korean Peninsula was liberated by the Allied Forces from 40 years under Imperial Japan's colonial rule. However, at this point of liberation, the peninsula was divided into two spheres of influence at the 38th Parallel, with the north controlled by communist Russia who later ceded control to China, and the south regulated by the United States. With this arrangement, the peninsula became entrenched in the complex and interwoven modern geopolitics of Northeast Asia. Since then, the ruling Kim regime has clung onto its survival with economic dependence on China and its illegal Nuclear Weapons Program.

The brutal living conditions under the repressive regime, accentuated by the severe famine that devastated North Korea in the 1990s, led a flood of North Koreans to flee across the border into China, thus, beginning the North Korean refugee crisis. With a hostile China that defers to North Korea's demands for repatriation and several Southeast Asian countries that maintain diplomatic ties with North Korea, these refugees are incredibly vulnerable. Within such circumstances, the question is raised: How can the international community promote safe passage and eventual resettlement for North Korean refugees along their route to freedom despite the hindrance of complex geopolitics in Northeast and Southeast Asia?

In order to engage in an informed discussion, this paper will first address the context of the North Korean system, the reasons that force North Koreans to flee, and how the conditions of their life and departure make them, by definition, refugees. This study will then follow the North

Korean refugees along a common escape route through China, Laos, and Thailand in order to reach asylum and citizenship in South Korea. This paper will delve into each country's policy toward North Korean refugees and ascertain the influence that North Korea and China exhibit in this policy-making process. As the North Korean refugees safely reach South Korea and begin their adjustment period, this study will explore their resettlement process and the challenges that linger even after gaining South Korean citizenship. This study will then propose a plan for moving forward that will incorporate the active involvement of the international community under the leadership of South Korea in order to establish a regional framework to support North Koreans throughout their journey and resettlement efforts.

Literature Review

As a result of the nature of the North Korean regime, both in relation to its Nuclear Weapons program and abhorrent human rights practices, there is a lack of central literature regarding North Korean refugees. There are a great number of gaping holes in the limited scope of the existing literature, as a result of North Korea's reclusive nature and the closed-off nature of China and certain ASEAN countries. For one, it is difficult to specifically gauge the depth of the bilateral relationships between North Korea and various ASEAN nations, as both an under-studied and undisclosed issue. It is for this reason that continued research is necessary.

Kim (2007) offers an approach to resolving the animosity and instability with North Korea as a means of lightening the burden of North Korean refugees, through what he describes as the *Northeast Asian Version of the Helsinki Process*. The 1975 Helsinki Accords was significant as it "emphasized the interconnectedness of security, economic, and humanitarian

dimensions" and presented the humanitarian aspects, not as an impediment to resolving the pressing security issues. Kim (2007) presents this process as an applicable lesson to North Korea, regarding both the security and human rights dimensions. Feffer (2004) also commented regarding the failure of modern policymakers to adhere to the lessons of the Helsinki Accords, pointing in specific to the lack of a human rights component in the Six-Party Talks.

Lankov (2004), Liu (2003), and Yoon (2019) speak in depth regarding the power of public and widespread awareness in resolving this issue. Lankov (2004) elaborates regarding the need for the public to understand that the goal for most North Korean refugees is simply, survival. It is within this situation that the interests of the three most prominent countries in this issue: North Korea, China, and South Korea, unfortunately, overlap in largely considering these refugees to be a political nuisance. Liu (2003) and Thompson (2009) delve into detail regarding the need for more than acknowledgment of this issue, but also of awareness regarding the intricacies of the Beijing-Pyongyang relationship.

Lee (2019) also speaks regarding the significance of fundamentally considering the relationship between ASEAN and North Korea from the perspective of these nations, as countries that see themselves as small or medium powers. Yoon (2019), speaks regarding the issue of North Korean women who are trafficked into China's formidable sex industry and the need for public awareness, as well as direct action from various national governments to offer straightforward assistance to these North Korean refugees. On the other hand, Choi (2014), addresses the potential for greater global awareness to lead to more Chinese crackdowns on illegal activities within its borders, and thus, indirectly leading to a higher number of arrests and deportations for North Korea refugees.

Research Methodology

The research conducted for this Independent Study Project was a consolidation of both primary and secondary sources. Interviews were scheduled via email in order to augment the information gained from secondary academic sources, as well as to hear the accounts of individuals who had directly encountered and worked with North Korean refugees. All the interviews for this project, except for the interview in Brussels, was conducted through virtual platforms due to the ongoing COVID-19 pandemic.

A total of eight interviews were conducted. The first and only in-person interview took place in Brussels, Belgium with Dr. Tongfi Kim, as part of the ISP Study Trip. Dr. Kim spoke in detail regarding security aspects related to the refugees in Northeast Asia and offered additional resources and contact recommendations. The next interview was with Representative Signe Poulsen of the OHCHR in Seoul. She was able to offer insight into the perspective of important multilateral organizations, like the United Nations regarding this issue. As her work encompassed interviewing the North Korean refugees during their resettlement process in South Korea, she was able to offer detail regarding the personal experience of the refugees. Dr. Ramon Pacheco Pardo, the Korea Foundation Chair was interviewed next. As a resident of London, he was able to offer his understanding of North Korean communities outside of South Korea.

Afterward, Mr. Kent Boydston, a former researcher with the Peterson Institute gave his thoughts regarding the broader topic of human rights in Southeast Asia. The next interview was with Mr. Dan Chung, the co-founder of the non-profit organization, Crossing Borders. This interview was especially insightful as Mr. Chung has directly worked with fleeing North Korean refugees in Northeast China and helps to organize and maintain frontline teams in this region of

the world. The interview with Mr. Daniel Wertz, the program manager of the National Committee on North Korea in Washington D.C., was helpful in providing a wider and deeper degree of context about this issue and the interesting case of semi-licit North Korean workers overseas. Ms. Chae Yeon Kim, a student at the Graduate Institute in Geneva, also provided a great deal of insight from her own research into North Korean narratives and spoke regarding the perception of North Korean refugees within South Korea and the U.S., as shaped by the media's overemphasis on trauma narratives. The final interview was with Ms. Madeline Garlick, a member of the UNHCR based in Geneva. She spoke more broadly regarding the mandate of the UNHCR and the technicalities that limited a more active UNHCR in protecting the rights of these vulnerable North Koreans.

Alongside these interviews, secondary sources were also employed. While academic, peer-reviewed journal articles provided a comprehensive basis for the background and theories associated with this topic, this paper also utilized news articles for more up-to-date information regarding the refugees. Academic journals were useful in researching international humanitarian and refugee law, as well as the progression of North Korea's bilateral relations with China, Laos, and Thailand.

The Context of the North Korean Refugees

The North Korean regime is considered the single-most isolated and repressive country in the world. This small authoritarian nation began to appear more forcefully on the international radar with the "Arduous March", a widespread famine that killed upwards of 3 million people from 1994 to 1998. Although the North Korean regime eventually asserted enough control to alleviate the widespread famine, life under the Kim dynasty is one devoid of basic rights and freedoms. North Korea uses the *songbun* system to classify its citizens into three categories that dictate every detail of their lives (Eschborn, 2014). Approximately 28% of the population is considered "most loyal" or *haekshim*, the lucky families that are provided significant advantages in all areas of life, including social welfare, educational opportunities, medical care, food, housing, and occupations (Eschborn, 2014). Next on the tier is the *dongnyo* category, encompassing 45% of the population regarded to have "wavering" loyalty and needing continuous ideological indoctrination (Eschborn, 2014). The last 27% is in the *choktae* category, reserved for those seen as "hostile" toward the regime and is strongly discriminated against (Eschborn, 2014).

Every citizen is aware of their "category", and the North Korean Ministry of State Security updates each citizen's file biennially (Eschborn, 2014). While it is not unusual to be downgraded in the *songbun* system as a punishment for a crime, rising within this system is near impossible (Eschborn, 2014). Many North Koreans make the desperate choice to flee as they realize that, despite their efforts, they will never be able to break the entrenched system of poverty and live a dignified life under the regime (Poulsen, 2020).

One of the most common escape routes, that will be followed within this study, is through a portion of "Asia's Underground Railroad" that includes China, Laos, and Thailand (Harris, 2017). From Thailand, the North Koreans are flown into South Korea, where they can resettle without the fear of repatriation. Another commonly used route is crossing into Vietnam from China and into Cambodia. Formerly, crossing into Mongolia from northern China was a widely used escape route, until it fell out of favor with China's increased aggression at border checkpoints, and the extreme danger of attempting to cross the Gobi Desert (Wertz, 2020).

Throughout this strenuous journey, North Korean refugees also face the constant fear of repatriation (Eschborn, 2014). If they are found and repatriated back to North Korea, the consequences are horrifically brutal, intent on sending a message to any would-be defectors (Eschborn, 2014). After facing interrogation and torture in North Korean police facilities, most former defectors are sentenced without trial to forced labor (Eschborn, 2014). If it is revealed that the escape was politically motivated, individuals can be sentenced to life imprisonment in re-education camps, or up to 6 months in North Korean "gulags" (Eschborn, 2014). This sentence is consistent with all North Korean defectors as it is a criminal offense to leave the country without permission. Unlike every other aspect of North Korean life, a higher *songbun* level will not be advantageous, as defectors are most definitely sent to the bottom of this caste system (Eschborn, 2014). Yet, despite the risks, many North Koreans still choose to defect.

International Refugee Law

According to the 1951 UN Convention Relating to the Status of Refugees, a refugee is "someone who has been forced to flee his or her country because of persecution, war or violence; has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group; and cannot return home or are afraid to do so" (UN, 1951). As North Korea is a homogeneous country, North Koreans are unlikely to flee from fear of persecution for reasons of race, nationality, or membership in a particular social group. While some flee due to persecution for their religion or political opinion, this is extremely difficult to prove, even in democratic countries (Pardo, 2020). In China, proving a well-founded fear of persecution is impossible, as Beijing has no refugee adjudication process and only allows limited access to the UNHCR (Cohen, 2010).

Beijing refuses to regard North Korean refugees as refugees and instead, label them as "economic migrants", as many defectors cross the border seeking economic opportunity (Goedde, 2010). However, even if North Koreans defect for reasons of economic hardship, they are still refugees because the regime's economic policies are tantamount to political persecution under the *songbun* system (Cohen, 2010). North Koreans who flee North Korea are *refugees sur place*, the UN category for those who are not refugees when they *leave* their country but *become* refugees at a later date because of a well-founded fear of persecution upon return (UN, 1951). This pertains specifically to North Koreans, as leaving the country without permission is a criminal offense, punishable by torture and death, in North Korea (Goedde, 2010). As such, North Koreans fleeing North Korea are refugees and will be referred to as such henceforth.

However, even though the predicament of North Korean defectors falls under the UN definition for a refugee, the UN has declared this population to only be "persons of concern" as there is no status determination process available for them (Garlick, 2020). This can be regarded as a contradiction to the category of *refugees sur place* as North Korean refugees have a well-founded fear of persecution upon repatriation. But the UN claims that the entire population of North Koreans outside of North Korea may not have a well-founded fear of persecution upon return, even with consistent reports about the punishments that defectors face upon repatriation (Garlick, 2020). Within these circumstances, the UN's need to defer to a legal adjudication process can be a hindrance in following not only the letter of the law, but the spirit of international refugee law, inscribed to protect vulnerable refugees.

As refugees, North Koreans should be afforded the protection of the non-refoulment clause under Article 333 of the Refugee Convention, that declares that " refugee should not be returned to the country of origin under any circumstances, otherwise the life of a refugee is susceptible to the danger of persecution and other forms of mistreatment or torture" (UN, 1951). The UN Convention against Torture also states that "No state party shall expel, return or extradite a person to another state where there are substantial grounds for believing that he/she would be in danger of being subjected to torture" (Goedde, 2010). While China is a signatory to these UN Conventions, these signatures provide no protection to North Korean refugees (Cohen, 2010). Other transitory countries, including Mongolia, Thailand, Vietnam, Laos, and Myanmar, are not signatories of the Refugee Convention, and as such, can independently determine how to treat the North Korean refugees that enter their borders as illegal migrants (Garlick, 2020).

However, because the South Korean Constitution claims the entire Korean Peninsula as South Korean territory, North Koreans are technically South Korean nationals, and as such, "dual nationals" under the UN (Kang, 2013). As a result, South Korea can technically offer diplomatic protection to these North Korean refugees, as South Korean nationals (Lee, 2016). But this is where the legal parameters become blurred because although both North and South Korea claim the entire Korean peninsula as their territory and jurisdiction, this is clearly not true (Lee, 2016). And since North Korea has established diplomatic relations and conducted international business, acting, in many ways, as a legitimate and sovereign nation, the regime claims authority over its citizens both within its borders and abroad. This would mean that South Korea is unable to offer diplomatic protection to these North Korean refugees, and since North Korea will not protect its citizens abroad, these refugees are particularly vulnerable (Lee, 2016).

The argument can be made that while North Koreans are technically South Korean nationals, this status is only binding under South Korean municipal law, and these refugees are afforded no protection by the South Korean government until they are within South Korean embassies or territory (Kang, 2013). This strange legal quandary shines a light on a more formidable challenge, in that South Korea is unwilling to create diplomatic tension with Beijing or Pyongyang for a technicality within their Constitution (Kang, 2013). As such, South Korea does not pursue an active policy within China to offer North Koreans their protection. However, due to this technicality, other countries can point to the non-existent protection by the South Korean government as a loophole to turn a blind eye to North Koreans' predicament (Kang, 2013). As such, possessing South Korean nationality can make it *more* difficult for North Korean refugees to avail themselves of the protection of the UN Refugee Convention (Kang, 2013).

Analysis

North Korean Refugees: Along the Route to Freedom

The People's Republic of China

For North Koreans seeking to escape the brutal regime, it is nearly impossible to avoid the 1,420-kilometer-long border with China (Thompson, 2009). Northeast China is also an appealing transitory region because of the nearly 2 million ethnic Koreans that live near the border with North Korea, particularly in the Yanbian Prefecture of Jilin Province (Thompson, 2009). However, due to the China-North Korea Bilateral Border Control Agreement, entry into China is strictly illegal and so, to escape, defectors need to hire brokers to guide the journey, and bribe both the North Korean and Chinese border patrols (Thompson, 2009). This vulnerable situation leads to favorable conditions for exploitation. If a North Korean refugee is caught in China, they will be repatriated back to North Korea, where punishment awaits (Lankov, 2004).

China acquiesces to North Korea's demands for repatriation in order to maintain its political alliance with North Korea, and, more importantly, prevent instability within the Kim regime that could lead to a mass of refugees flooding China's borders (Scobell, 2004). Beijing wants to maintain the current status quo and ensure that a U.S.-South Korea led reunification of the peninsula does not come to pass (Scobell, 2004). More recently, North Korean Supreme Leader Kim Jong Un and U.S. President Donald Trump's friendly interactions at the two U.S.-DPRK summits have caused whispers of tension in Beijing. The decision to engage with the U.S. was clearly strategically calculated by the Kim regime to worry Beijing into pursuing friendlier relations, just as North Korea successfully hedged China and the Soviet Union against each other in the Cold War and reaped the benefits (Kim, 2020).

The number of refugees flooding China's borders seems to have peaked in the mid to late 1990s when the widespread famine forced many North Koreans to flee. From 1999 to 2001, China practiced a policy of relative tolerance, in that the number of repatriations was minimal, save for the North Koreans that were explicitly involved in crime or on the streets (Lankov, 2004). In fact, Beijing even allowed South Korean humanitarian and mission groups to directly help these refugees. However, due to a series of dramatic events in 2002, in which several groups of North Koreans sought refuge in foreign embassies, Beijing upturned its relatively lenient stance (Lankov, 2004). Due to these incidents, Beijing ran into diplomatic tension with several foreign consulates and embassies, as many claimed that Chinese armed police had violated the right of sanctuary within these diplomatic facilities (Liu, 2003). China disagreed with this interpretation of events and argued that their police had entered foreign premises after attaining permission, and in order to fulfill their duty of protecting the foreign personnel (Liu, 2003).

It was at this point that China realized that if it did not react strongly, Beijing would face diplomatic repercussions with Pyongyang, and risk implicitly encouraging more illegal refugees to enter China (Liu, 2003). This is an especially poignant consideration, seeing as all North Korean refugees, regardless of which transitory countries they would choose next, needed to pass through almost the entirety of China, into the south-central Yunnan Province. Chinese authorities ordered tighter security in front of diplomatic missions, as well as a massive search for illegal North Koreans, who were immediately repatriated upon discovery (Scobell, 2004). As a formality for Chinese sovereignty, and to satisfy North Korea, Beijing demanded that all embassies turn over their illegal intruders, full well knowing the embassies would never agree (Lankov, 2004). However, after this point, China has maintained this rigid policy, that became

even stricter in 2011 with the ascension of Kim Jong Un to the position of Supreme Leader (Lankov, 2004).

Even while maintaining this hardline policy, China ignores the vast majority of the estimated 30,000 to 50,000 North Korean refugees hiding in Chinese territory (Lankov, 2004). Mr. Dan Chung, the co-founder of Crossing Borders, a non-profit organization dedicated to helping North Korean refugees escape and resettle safely, claims that China knows where all the refugees are, because of the depth and scale of surveillance in China, yet often turns a blind eye (Chung, 2020).

However, even with China ignoring many of the North Korean refugees, living as an illegal so-called "economic migrant" results in a life of continual fear, crippling poverty, and constant exploitation (Boydston, 2020). It is estimated that a staggering 60% of female North Korean refugees are, at one point, trafficked into the sex trade, of which nearly 50% are forced into prostitution, and over 30% sold into forced marriage (Yoon, 2019). North Korean women are targeted to serve as "mail-order brides" because they are often desperate enough to subject themselves to this indignity, even though their marriage to a Chinese citizen would not be considered as a legally-binding marriage and protect them from repatriation (Yoon, 2019). Northeast China needs these women because of a "bridal shortage", a direct consequence of the One-Child Policy (Lankov, 2004). In order to balance the disproportionate gender ratio in Northeast China, Beijing implicitly allows many North Korean refugees to stay, and help the Chinese economy with their low-skill, low-wage work (Chung, 2020).

The children born of North Korean women and Chinese men face additional difficulty as they are regarded as “stateless” children, in which there is no state - not North Korea, or China, or even South Korea - that is willing to offer them citizenship and protection (Chung, 2020). In 2012, the law was changed so that a child who could prove that he/she was born in China with a Chinese father and a forcibly repatriated North Korean mother could be granted Chinese citizenship (Chung, 2020). However, the wording of this legislative change seems to imply that children of Chinese fathers and North Korean mothers whose mothers are still in China would not qualify for Chinese citizenship. As such, these stateless children are often unable to register for medical care or education for fear of unintentionally alerting authorities who will repatriate their mothers (Poulsen, 2020). These extraordinarily vulnerable children face an especially bleak situation as Seoul is not willing to face tension with Beijing in order to offer any protection.

As the risk of discovery continues to mount for both refugees and brokers, under crackdown efforts from North Korea, the price that brokers charge also increases. Consequently, many North Korean refugees face workplace exploitation as they labor, sometimes for years, to accommodate the funds they need to hire brokers all the while constantly fearing for their loved ones back in North Korea (Poulsen, 2020). In addition, Beijing cooperates with North Korea to allow North Korean security agents to operate in and seize refugees in China (Wertz, 2020). As Seoul is unwilling to defy Beijing and defend these refugees, the long trek across China can be the most dangerous part of their escape.

Lao People's Democratic Republic

Following a harrowing journey across China to the south-central Yunnan Province, many North Korean refugees choose to cross into Laos. Despite international concerns regarding human rights violations in Laos, as well as its relations with the North Korean regime, Laos was once labeled as a "safe haven" for North Korean refugees (Kurlantzick, 2013). In Laos, North Korean refugees were relatively safe through a combination of bribes and Laos' apathy until they reached Thailand (Kurlantzick, 2013). This reputation completely changed in May of 2013 when the Lao government arrested and detained 9 North Korean refugees, all of whom were orphans between the age of 15 to 23 for traveling without documents (Harlan, 2013).

In direct contrast with its previous policy of quietly cooperating with South Korea, the Lao government turned these refugees over to North Korean agents (Harlan, 2013). While Laos has claimed that these individuals were not refugees, but victims of human trafficking, there is direct evidence to refute this standpoint, including the testimonies of the activists that had assisted the refugees' journey into Laos (Kurlantzick, 2013). Misfortune also served a role, as the discovery of these 9 refugees coincided with the latest in a series of high-level meetings between North Korea and Laos, in which the Lao Foreign Minister visited Pyongyang to conduct "friendly talks" with his North Korean counterpart (Harlan, 2013). As a result of the proximity of these two events, there have been suspicions that the repatriation of these 9 refugees was used as a diplomatic favor or a bribe during negotiations (Kurlantzick, 2013).

This decision was met by condemnation from the international community. The United Nations High Commissioner for Refugees, as well as other NGOs, expressed dismay at the growing dangers for fleeing North Koreans and voiced concerns that this was part of North

Korea's crackdown on its defectors. South Korea was also criticized for its ineptitude in resolving this issue by underestimating the willingness of Laos and North Korea to cooperate while South Korean agents had failed to even meet with the refugees during the 18 days of their detention (Lee, 2020). While this decision clearly shocked Seoul, it was still a disappointing evaluation of South Korea-Laos relations.

While this was a highly publicized case of repatriation amidst the thousands of refugees that Laos ignores and allows into Thailand, it indicated the influence that North Korea could wield in close diplomatic relations. Following this decision, in March 2016, North Korean and Lao Security agencies concluded an undisclosed bilateral treaty, suspected to include a clause for repatriation (Lee, 2020). Although North Korea has, historically, maintained better diplomatic relations with other authoritarian governments, this official agreement came as a surprise and drew greater concerns regarding North Korea's influence in the region (Boydston, 2020).

Beijing also influenced this decision by pressuring Southeast Asian countries not only to repatriate North Korean refugees but to return refugee populations fleeing from China itself, including the Uighurs (Kulantzick, 2013). As the economic superpower of the region, it has become increasingly difficult for authoritarian regimes to refuse China's pressure (Pardo, 2020). Since 2013, China replaced Vietnam as the most important foreign actor in Laos, and the bilateral relationship has deepened in economic and defense cooperation (Ku, 2016). This trend is expected to continue, as China moves forward with its ambitious Belt and Road Initiative, and economic opportunities become plentiful (Ku, 2016). As a result of these circumstances, it is likely that North Korean refugees will face greater threats of repatriation in Laos, in the future.

The Kingdom of Thailand

After braving the threat of repatriation across China and Laos, it may seem strange that North Korean refugees often turn themselves into Thai authorities once they are on Thai soil (Boydston, 2020). However, Thailand serves as the final transitory country for 90% of the North Korean refugees who are seeking asylum in South Korea because of Thailand's special cooperation with South Korea (Lee, 2020). Although Thailand's official stance is that North Korean refugees are illegal migrants, the government has come to an unofficial agreement with South Korea to turn these individuals over to South Korea (Lee, 2020). According to a leaked U.S. diplomatic cable, the Thai government presents this special policy as "Koreans being deported to Korea, with geographical distinctions conveniently blurred" (Ferrie, 2019). Once the refugees are arrested, they are placed in local detention centers where they wait for the Thai authorities to contact the South Korean embassy (Lee, 2020). Since this policy has become relatively commonplace knowledge, more and more North Korean refugees flee into Thailand, leading to an overflowing number of North Koreans in Thai immigration jail (Lee, 2016).

Even while pursuing the most lenient policy among transitory countries, Thailand is still far from a welcoming country for North Korean refugees. Since Thailand regards North Korean refugees to be illegal migrants, these refugees are required to serve a one-month sentence within immigration jail before they are released into the custody of South Korean agents (C. Kim, 2020). This policy is pursued because geopolitics requires sensitivity toward North Korea and China, and certain appearances must be preserved (C. Kim, 2020). It is also evident that the Thai government's choice to pursue this special policy was a highly calculated and subjective decision made after weighing the value of bilateral relations with South Korea (Lee, 2016).

Like Bangkok, Seoul is cautious about publicly announcing their cooperation with Thailand for fear of diplomatic retaliation from Beijing or Pyongyang (Ku, 2016) In addition, the high number of North Koreans in Thai immigration jail, and the time-consuming process of deporting them to South Korea has become a source of tension between Seoul and Bangkok (Lee, 2020). While Thailand continues to pursue this special policy, it has refused Seoul's offer to build a coordination center near the Mekong River, where many refugees enter, as it would provide even greater incentives for North Korean refugees to flood Thailand (Lee, 2020). In such a delicate situation, it will be imperative that the two countries maintain clear and open communication, as Thailand has been signaling its concerns regarding this influx of refugees that they must manage.

Thailand's closer relationship with the U.S., in comparison to other ASEAN countries, may have contributed to easier collaboration and discussion than with hardline China or Laos (Medeiros, 2008). Thailand has been active and cooperative within the East Asia theater in the global war on terrorism (Medeiros, 2008). It has also dispatched troops to help in the reconstruction phase of U.S. occupations in Afghanistan and Iraq (Medeiros, 2008). In contrast to other transitory countries in Southeast Asia, Thailand boasts a more diversified economy, with more economic relations worldwide, a factor that may have made it less susceptible to pressure from China (Pardo, 2020). For a variety of factors, Thailand is the closest country to a haven that North Korean refugees can reach, and it will be crucial for South Korea to remain sensitive to Bangkok's concerns and preserve close cooperation.

North Korean Refugees: Safe and Happy in South Korea?

Local Integration in South Korea

From Thai immigration jails, North Korean refugees are escorted by South Korean agents and flown into South Korea. Upon arrival, they first undergo an extensive interrogation process by the Korean National Intelligence Service. Considering the ongoing ceasefire conditions on the Korean peninsula, this is a logical first step, for matters of national security. After this process, the North Korean refugees are first oriented to their new society within Hanawon, a center designed to assist in resettlement and adjustment (Sung, 2014). Following 3 months of orientation and instruction about South Korean society within Hanawon, these former refugees are officially considered South Korean citizens. After Hanawon, the former refugees have access to one of the 32 Hana Centers that help in finding jobs, learning about medical care, and provide regular consultations for up to one year (Sung, 2014).

Former North Koreans are extremely privileged in South Korea compared to other ethnic Korean migrant groups (Chung, 2014). These former refugees are given resettlement funds at the beginning of their residency in South Korea, as well as continued social welfare (Chung, 2014). The extra care and attention that former North Koreans receive is a legacy of the Cold War, in which their warm welcome to South Korea was used to counter propaganda spread by North Korea (Chung, 2014).

However, as supportive as Seoul seems in their policies toward its former-North Korean population, these measures can cause over-dependence on the government's generosity, as well as greater challenges in truly adapting to South Korean society. Since they will be afforded social welfare if they fail to find employment, many North Koreans deliberately do not seek out jobs

(Sung, 2014). Even among the former-refugees that do find jobs, they refuse to accept jobs that are inconveniently located, as they do not want to move out of their government-subsidized apartments (Chung, 2014). As the political atmosphere across the 38th parallel greatly impacts public acceptance of North Korean refugees as full citizens, some former refugees return to welfare because cultural shock and discrimination prove too difficult to adjust to (Chung, 2020).

It is essential when delving into a topic as delicate as refugee resettlement to look at the world with their eyes. The North Korean regime is considered one of the most repressive systems of government in existence. It is a communist system that is built on the utter dependence of its citizens on the Kim regime. It is possible that some North Koreans are influenced by South Korean media to defect, and in doing so, may build a utopian illusion of South Korea in their minds, based loosely upon reality, but an illusion, nonetheless. These refugees endure the horrific conditions of their journey to find asylum while clinging onto this illusion for hope. And initially, when they arrive in South Korea, most likely the most affluent nation they have ever set foot in, they may feel overwhelmed yet excited for the hard-won opportunity to begin anew. Yet, from the start in the Hanawon centers, their mobility and dependence become tied to the South Korean government.

Following the three months of orientation, they are essentially asked to go out into South Korean society, a capitalist system that can be cutthroat in its competitiveness and compete with native South Koreans for employment. Even within this context, many North Koreans will not be satisfied with a low-skill, low-wage, low-status job after suffering through that lifestyle in North Korea and China. If they risked everything to escape North Korea *and* China, it is likely that they are looking for a higher-status life with a high-ranking profession. However, it is unreasonable to

assume that an average North Korean refugee can fairly compete with an average South Korean, in terms of their education level, background, and experience.

Amidst this difficulty, the former refugees are likely facing the sinking realization that South Korea, while rife with better opportunities, is no utopia. In addition, many former refugees face varying degrees of trauma and guilt, for leaving their families behind in North Korea or China in order to get to South Korea (Choi, 2014). And while psychological consultations are offered at the Hanawon and Hana Centers, seeking psychological help is still deeply stigmatized in South Korea. Individuals are told, both implicitly and explicitly that they need to be able to "toughen up", leading to under-utilization of psychological help (Chung, 2020).

Some South Koreans have also professed their concerns and jealousy about North Koreans being given an unfair advantage to enter elite universities or workplaces and "stealing" their jobs (Eschborn, 2014). Many South Koreans also face reservations about these newcomers whose ideological indoctrination is at odds with their own, and who may have participated in immoral or illegal activities in China (Eschborn, 2014). Such stereotypical perceptions are accentuated by the media's focus on the "trauma narratives" of the North Koreans (C. Kim, 2020). This attitude has led to versions of outright hostility toward North Koreans as communist enemies, or thinly veiled pity for the former refugees C. Kim, 2020). From hostility to pity, these attitudes can be detrimental to integration because the public will always perceive them from the lens of their trauma, as outsiders. In order for North Koreans to be welcomed into an atmosphere conducive to assimilation, the South Korean public will need to regard them not as victims, but as individuals who have suffered yet are ready and willing to move forward from their past.

Still Not Home? Resettlement, Once More

North Korean narratives have professed, “We can’t live in North Korea because of fear, we can’t live in China because of fear of deportation and we can’t live in South Korea because of ignorance” (Eschborn, 2014). From the thousands of North Korean refugees who have received benefits as a South Korean citizen, nearly 10% of former refugees have re-migrated to other countries, including the UK, Canada, the U.S., and Germany (Bolton, 2018). Those who choose to re-migrate believe that other countries can offer an escape from the tension and conflict of the Korean peninsula (Chung, 2014). In London, compared to South Korea and China, people recognize them simply as Asians, but not specifically as North Koreans (Pardo, 2020). This simple difference in avoiding automatic detection is a liberating factor for many North Koreans.

There have also been former refugees who made the dramatic decision to return to North Korea. Pyongyang’s Central TV has broadcasted testimonies of former escapees who have voluntarily returned (Chung, 2014). Most of these returnees claimed relatively good social standing and jobs in North Korea but lived markedly worse in South Korea (Chung, 2014). These testimonies have served as effective propaganda in North Korea to spread the message that defectors will not be able to enjoy the so-called liberties of the outside world, because they will always be discriminated against and despised as North Koreans, even in South Korea (Chung, 2014). Even among North Koreans that choose to stay in South Korea, a 2008 survey revealed that 75% of former North Koreans in Seoul did not feel any negative sentiment toward Kim Jong Il’s leadership (Bolton, 2018). In addition, an overwhelming majority of child refugees asserted that they did *not* hope to become like South Koreans when they grew up (Bolton, 2018).

Moving Forward in Collaboration

Despite the hindrances of complex geopolitics in Northeast and Southeast Asia, the international community can promote the safe passage and eventual resettlement of North Korean refugees by sharing the burden of prioritizing human rights under the leadership of South Korea. The South Korean government needs to be willing to commit to a more active policy regarding North Korean refugees, even while risking some diplomatic tension with Pyongyang and Beijing. And in order to truly move forward in collaboration, the international community needs to collectively acknowledge North Korean refugees as refugees and commit to prioritizing human rights at the same level of economic and security priorities.

While this study fully acknowledges the support that the South Korean government has offered to North Korean refugees within its borders, this population is still incredibly vulnerable while fleeing from North Korea and China. As refugees according to the UN definition for refugees, North Korean refugees *should* be given the opportunity to apply for asylum and refugee status in any given country. However, as China and most ASEAN countries do not have refugee adjudication systems and offer limited access to the UNHCR, these refugees cannot claim the official status and protections as a refugee. As South Korean nationals, according to the South Korean Constitution, North Korean refugees *should* be offered protection by the South Korean government. However, the South Korean government, oftentimes, only offers indirect assistance to these refugees through civil society organizations, NGOs, and faith-based organizations (C. Kim, 2020). Despite the geopolitical factors that must be taken into consideration, South Korea needs to be willing to take responsibility for what it has promised in its Constitution, both directly and indirectly within its foreign policies.

To this end, South Korea needs to acknowledge the fact that North Koreans are South Korean nationals and act accordingly. However, alongside the reluctance to risk diplomatic tension, there is a trend in South Korea to view these North Korean refugees as unfavorable economic dependents (Kang, 2013). Accordingly, South Korea took legal action in 2007 to limit the entry of North Korean refugees. Following this decision, refugees who had primarily resided in a foreign country for 10/+ years, or whose parents were not North Korean citizens, were not given asylum in South Korea (Kang, 2013). The aim of this legislation had been to ensure that the individuals claiming to be North Korean refugees were, in fact, North Korea, and not ethnic Koreans from elsewhere or even, children born to Chinese fathers and North Korean mothers who could claim protection from China (Poulsen, 2020). While this is a valid concern from the standpoint of national security and social welfare, it has limited the entry of North Koreans into South Korea, promoting a passive stance even from internal South Korea.

This attitude seems to have spread beyond South Korea, and into many transitory Southeast Asian countries. While China has always maintained a hostile attitude toward these refugees, Laos has shown a higher tendency to value its bilateral relations with North Korea, and even Thailand has signaled its fatigue at dealing with overcrowded immigration jails. All these trends point directly to the necessity of establishing a regional framework to offer consistent policies and protections to North Korean refugees (Lee, 2020). Of course, the biggest challenge to such a framework will be China, but not only can regional cohesion serve as a tool to sway China’s standpoint, but it can also serve as an effective starting point to address this problem, even without China’s initial attendance (Lee, 2020).

There are already several NGOs that work tirelessly to aid North Korean refugees, both as they journey across transitory countries, and in resettlement efforts. One such organization is Crossing Borders, which works on the frontlines of this crisis in Northeast China to build community among this refugee population and encourage less dependency on NGOs and eventually, the South Korean government. A partnership between such organizations and a regional collaboration effort could lead to progress in building up a refugee population that will be self-sufficient once resettled. The establishment of a funding model, that will integrate the support of influential multilateral organizations as well as individual donor countries, can lessen the financial burden on both transitory countries and South Korea.

Such a model will be essential in gaining countries' support for this framework, as some ASEAN countries repatriate the refugees to North Korea because they do not want to bear the financial burden of offering temporary asylum. South Korea may also be persuaded to pursue a more active policy of protection if political tensions and national economic costs were lessened. To this end, it will be crucial for the international community to remember that the refugees' journey does not end upon arrival to South Korea – integration and assimilation is, arguably, as difficult as the escape. Such efforts can be instrumental in shifting South Korea's apathy toward compassion, and see the refugees, not as economic dependents, but their fellow citizens and facilitate an atmosphere conducive for full resettlement.

The Helsinki Accords of 1975, a multilateral framework that successfully eased Cold War tensions in Europe can be seen as an example to follow, as it emphasized the interconnectedness of security, economy, and human rights and successfully raised the issue of human rights to the priority status of security and the economy (Kim, 2007). Seeing as South

Korea is unwilling to bring up human rights violations for fear it will antagonize North Korea, the Helsinki model can be utilized to incentive one issue area in return for concessions in other issue areas or interconnecting the issue of human rights, security, and economy in order to move forward in all three aspects (Feffer, 2004). While the U.S. Congress and other NGOs attempted to promote this approach to North Korea, it cannot be fully realized without the full support and leadership of South Korea (Kim, 2007). This effort can be further augmented by active support from the UNHCR (Feffer, 2004). The establishment of a regional framework can also open doors for the UNHCR to do more than release statements they cannot enforce and attempt to pressure Beijing (Poulsen, 2020). But the first step for the UNHCR will need to be granting refugee status to all North Korean defectors, because of their well-founded fear of persecution upon return.

Moving forward, the international community will need to defer to South Korea's leadership while promoting active collaboration. South Korea needs to take up the mantle in this matter, not only because of its Constitution or interconnected history but because South Korea's leadership may be the most acceptable for the whole of the international community, including China and North Korea. This was evident in the aftermath of the U.S. North Korea Human Rights Act of 2004 when the U.S.'s efforts to expose human rights abuses were regarded as an "unwelcome political intervention" by North Korea and China, and an "exploitation of human rights vocabulary for imperial geopolitical ends" (Choi, 2014). For better or for worse, any initiative from the West will be regarded as an unwelcome and hypocritical overstep. As such, it must be South Korea that takes on the leadership role to establish and progress a collaborative regional framework championed by the international community in order to ensure safe passage and resettlement for North Korean refugees.

Conclusion

The dramatic and often traumatic journey to freedom that North Korean refugees endure has garnered considerable attention from the international community in the past years. As more and more information about the despicable living conditions under the Kim regime is publicized, there have been greater efforts made from multilateral organizations, such as the UN, to condemn these human rights violations. However, while information regarding the state *within* North Korea has become more easily accessible, the struggles of North Koreans along their journey to South Korea is less known. The geopolitics of diplomatic relations with North Korea, backed by the support of China's regional authority has caused increasing difficulty for North Koreans to find temporary asylum and safe passage in transitory countries in Southeast Asia.

While China has maintained its policy of repatriation for matters of national security, Laos has also displayed a willingness to yield to North Korean pressure. Even Thailand, which is widely considered to be the most lenient of the transitory countries, has signaled its fatigue at the large number of illegal North Korean refugees within its borders. In addition, North Korean refugees also face the ironic difficulty of greater vulnerability as so-called South Korean nationals without the active protection of South Korea. And the challenges for North Koreans do not cease when they reach South Korea as they continue to be plagued by social dependence, discrimination, and guilt.

This study proposes that a regional framework needs to be established to ensure the protections availed to this refugee population by the Refugee Convention are enforced and secure. Within this framework, it will be critical that South Korea takes the lead and pursues an active policy to protect the vulnerable population that *their* Constitution labels South Korean

nationals. A regional framework can alleviate the financial burden born by transitory countries, and South Korea in its resettlement efforts through regional cooperation and international assistance. In establishing a cohesive and agreed-upon framework to tackle the question of North Korean refugees, these refugees can be provided basis protection and as a region, transitory countries can face less diplomatic pressure from Pyongyang or Beijing. With international cooperation, North Korean refugees can overcome their vulnerable and often traumatic history and safely resettle in a new society to lead free and fulfilling lives.

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